

Tuesday, August 19, 2014

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

**PRESENT:** Supervisors: Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold and Chairperson Bruce S. Gibson

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON BRUCE S. GIBSON.**

**Consent Agenda – Review and Approval:**

**1-6.** This the time set for consideration of the Consent Agenda.

**Chairperson Gibson:** opens the floor to public comment.

The action taken for Consent Agenda items 1 through 6 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham  
**Second by:** Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Consent Agenda - Agricultural Commissioner Items:**

**1.** Request to reappoint Jean-Pierre Wolff to the Agricultural Liaison Advisory Board as the Coastal San Luis Resource Conservation District Representative, due to term ending August 27, 2014 and request to reappoint Mark Pierce to the Agricultural Advisory Liaison Board representing Agricultural Finance, due to term ending August 27, 2014. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - General Services Agency Items:**

**2.** Request to approve a 5-year extension of the rental agreement with the Senior Nutrition Program, and Amendment No. 5 to remove the dining room area and the provision to provide food service at the Health Campus, located at 2180 Johnson Avenue in San Luis Obispo. District 3.

**Dr. C. Hite:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

**3.** Request to approve an agreement for professional engineering services with SCS Engineers, Inc. in the amount of \$73,983 for the preparation of the selection and design of a groundwater extraction and treatment system for the Los Osos Landfill and authorize a budget adjustment, in the amount of \$129,500 from Capital Projects Facilities Planning Reserves. District 2.

**The Board approves as recommended by the County Administrative Officer.**

**4.** Submittal of a resolution approving the Huasna Road Repair Project and adopting the Mitigated Negative Declaration pursuant to Section 21000 et seq., of the California Public Resources Code (CEQA), and direct staff to proceed with associated project development activities. District 4.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-215, adopted.**

5. Request to approve of map Tract 2718 "Vista Montana", a proposed subdivision resulting in 8 lots by Henri DeGroot and reject the offers of dedication for Los Berros Road, El Campo Road and Vista Montana, and act on the attached resolutions to: accept the relinquishment of rights of ingress and egress along El Campo road and Los Berros Road; accept the offer of dedication for additional widening of Sevada Lane; approve the agreement granting an open space easement to the County and imposing a deed restriction for the environmentally sensitive area; approve a deed restriction no-build zone preserved as open space, Los Berros Road at El Campo Road near Arroyo Grande. District 4.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2014-216, 2014-217, 2014-218, and 2014-219, adopted.**

**Consent Agenda - Sheriff - Coroner Items:**

6. Request to declare two firearms surplus property and transfer the weapons to Central Coast Veterans Memorial Museum. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Public Comment Period:**

7. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

**Mr. Eric Greening; Ms. Julie Tacker; and Ms. Mary Lucey:** address various concerns regarding the upcoming Huckfest event in Oceano; consistencies in the Negative Declaration; and impacts to resources and the Community.

**Mr. Ken Carpenter:** presents and discusses a map regarding a vineyard in the El Pomar Estrella Area.

**Dr. C. Hite:** addresses issues regarding group homes; the Affordable Care Act; and questions the policy for panhandling on county property.

**Mr. Ben DiFatta:** speaks to a recent Letter to the Editor in the Tribune from Tom Salmon titled "Too Little Too Late".

**Ms. Cindy Steinbeck:** presents a press release regarding a complaint against the State Water Resources Control Board on illegal exportation of water; and urges the Board to look into the facts and other related complaints statewide.

**Mr. Gary Kirkland:** speaks to restrictions on the use of water and global warning.

**Ms. Linde Owen:** discusses wasted water in Los Osos in connection with the Los Osos Wastewater Project. **No action taken.**

**Board Business:**

8. Submittal of a report on the status of Affordable Care Act implementation in San Luis Obispo County. All Districts.

**Chairperson Gibson:** opens the floor to public comment without response and receives and files the report.

**Board Business - Public Works - Board Sitting as Flood Control District**

9. Submittal of a resolution declaring surplus and emergency drought relief water for Zone 3 of the San Luis Obispo County Flood Control and Water Conservation District in the amount of 2,327 acre feet for Water Year 2014-15, and finding that the project is exempt from Section 21000 et seq., of the California Public Resources Code (CEQA). Districts 3 and 4.

**Chairperson Gibson:** opens the floor to public comment.

**Mr. Paavo Ogren – Oceano Community Services District General Manager; Mayor Tony Ferrara; Mayor Shelly Higginbotham; Mr. Bob Perrault - City of Grover Beach City Manager; Mr. Jim Garing; Mr. Ben Fine – City of Pismo Beach Director of Public Works/City Engineer; Mr. Geoff English – City of Arroyo Grande; and Mr. Brian Talley – Zone 3 Advisory Committee Agricultural Representative:** speak.

**Supervisor Ray:** reviews the five (5) recommendations by the Zone 3 Advisory Committee and recommends approving them with minor changes, with Board Members responding.

**On Motion by Supervisor Caren Ray, seconded by Supervisor Adam Hill, to approve staff recommendations, with the following supplementary statements and recommendations:** a) We acknowledge there continues to be a difference of opinion between the County and the some of the Zone 3 Member Agencies; b) To document that the declaration of 2013/14 Lopez Surplus Water as drafted is intended to address water storage and distribution issues this year only and is not intended to establish methodologies for the calculation of Lopez Surplus Water on an on-going basis; c) To enter into negotiations with the Zone 3 Advisory Committee; d) To return to the Board without a date certain with a status report on negotiations; and e) To have the Flood Control District review possible funding available for groundwater monitoring, equipment, and studies in both Northern Cities Management Area (NCMA) and Nipomo Mesa Management Area (NMMA), is discussed.

**Supervisor Arnold:** outlines her concerns regarding the methodology for calculations.

**The motion maker amends the motion to add item f) to read: “Any changes in calculations come to the Board for a decision and not at the staff level”, with the second motion maker concurring.**

**Chairperson Gibson:** asks for clarification on the motion for item c., with Supervisor Ray and Ms. Rita Neal, County Counsel responding.

**The motion maker amends the motion to change item c. to read as follows: “c) To enter into negotiations with the Member Agencies, with close consultation with the Zone 3 Advisory Committee, in order to protect all interests impacted by the contract”, with second concurring.**

**RESOLUTION NO. 2014-220, a resolution declaring surplus and emergency drought relief water for Zone 3 of the San Luis Obispo County Flood Control and Water Conservation District in the amount of 2,327 acre-feet for water year 2014-2015, and finding that the project is exempt from Section 21000 et seq., of the California Public Resources Code (CEQA), adopted. Further, the Board approves the following supplemental statements and recommendations:** a) We acknowledge there continues to be a difference of opinion between the County and the some of the Zone 3 Member Agencies; b) To document that the declaration of 2013/14 Lopez Surplus Water as drafted is intended to address water storage and distribution issues this year only and is not intended to establish methodologies for the calculation of Lopez Surplus Water on an on-going basis; c) To enter into negotiations with the member agencies, with close consultation with the Zone 3 Advisory Committee, in order to protect all interests impacted by the contract; d) To return to the Board without a date certain with a status report on negotiations; e) To have the Flood Control District review possible funding available for groundwater monitoring, equipment, and studies in both Northern Cities Management Area (NCMA) and Nipomo Mesa Management Area (NMMA); and f) Any changes in calculations come to the Board for a decision and not at the staff level.

**Motion by:** Caren Ray  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)		x		

**Hearings:**

10. Hearing to adopt an ordinance regulating outdoor water use to Mondays and Thursdays only within applicable County Service Areas (10A-Cayucos, 16-Shandon, 23-Santa Margarita, and 12-Avila Valley), in accordance with the drought emergency water conservation regulations adopted by the State Water Resources Control Board, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Districts 1, 2, 3 and 5.

**Chairperson Gibson:** opens the floor to public comment without response.

**Ms. Erica Stuckey – Deputy County Counsel:** states the ordinance is being replaced to correct the last two (2) findings to read Findings H and I. not Findings F. and G.

**The Board amends the ordinance to correct the last two (2) findings to read Findings H and I not Findings F and G. The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3265, San Luis Obispo County, State of California an ordinance regulating outdoor water use to Mondays and Thursdays only within applicable County Service Areas in accordance with the drought emergency water conservation regulations adopted by the State Water Resources Control Board on July 15, 2014 per Resolution No. 2014-0038 and set forth in California Code of Regulations, Title 23, Sections 863, 864 and 865, adopted as amended. Furthermore, the Board directs the Clerk to publish, within fifteen (15) days of adoption in a paper of general circulation, a copy of the ordinance and the names of the Board Members who voted for (and any against) the ordinance.**

**Motion by:** Adam Hill  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Closed Session Items:**

11. The Board announces they will be going into Closed Session regarding:
- I. PERSONNEL (Gov. Code, Section 54957.) It is the intention of the Board to meet in Closed Session to:
1. Consider Public Employee Appointment for the Position of Director of Child Support Services.
- II. PENDING LITIGATION (Gov. Code, Section 54956.9.) It is the intention of the Board to meet in Closed Session concerning the following items: Conference with Legal Counsel-Existing Litigation (Gov. Code, section 54956.9(a).) (Formally initiated) 2. People of the State of California v. Sani, et al.; 3. People of the State of California v. Welsh, et al.; and 4. Mountain Cascade, Inc. v. SLO Co. Flood Control & Water Conservation District, et al.
- III. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code, Section 54957.6.) It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following employee organizations: 5. San Luis Obispo Government Attorney’s Union; 6. SLOCEA-Trades and Crafts; 7. Deputy County Counsel’s Association ; 8. Sheriffs’ Management; 9. SLOCPPOA; 10. Deputy Sheriff’s Association; 11. DAIA; 12. SLOCPMPOA; 13. SLOCEA-Public Services, Supervisors, Clerical; 14. Unrepresented Management and Confidential Employees and 15. ASLODS.

**(Added Closed Session, per the addendum to the agenda. VI. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated). 16. Flores v. County. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)**

**Chairperson Gibson:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the

Board goes into Open Public Session.

**Presentations:**

12. Presentation of the 2013 Conservationists of the Year Award from the Coastal San Luis Resource Conservation District. All Districts.

**Mr. Gary Shultz - Pacific Gas & Electric (PG&E):** presents a powerpoint presentation and a video of the project replacing the transmission line from Atascadero to the San Luis Obispo.

**Mr. Kris Vardas:** speaks.

**Mr. Neil Havlick - Coastal San Luis Resource Conservation District Board of Directors President:** presents the 2013 Conservationist of the Year Award to PG&E and the Atascadero 70KV Line Re-conducting Project Team.

**Chairperson Gibson:** opens the floor to public comment without response.

The Board recognizes the 2013 Conservationists of the Year in San Luis Obispo County by the Coastal San Luis Resource Conservation District. **No action taken.**

**Hearings:**

13. Hearing to consider a resolution approving the assessment for cost recovery and to close the abatement procedures for the Inquito property located at 480 Mesa Grande Drive in the community of Shandon. Resolution # 2013-184. District 1.

**Mr. Greg Camack – Department of Planning and Building:** replaces the resolution to correct a minor clerical error.

**Chairperson Gibson:** opens the floor to public comment without response.

**RESOLUTION NO. 2014-221, a resolution enacting findings and orders the following nuisance abatement assessment hearing regarding property located at 480 Mesa Drive, Shandon, California and owned by F. James & Rosann Inguito, adopted The Board further directs staff to notify the owners of the Property by certified mail, return receipt requested, of the amount of the pending lien confirmed by the Board, and to prepare and have a notice of lien recorded in the office of the County Recorder if the pending lien is not paid within thirty days in accordance with Section 22.74.150.F.4 of the County Code; and except as set forth in Recommendation No. 2, directs staff to close this nuisance abatement action, adopted as amended.**

**Motion by:** Frank R. Mecham

**Second by:** Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

14. Hearing to consider a Temporary Commercial Outdoor Entertainment License Application by Visit San Luis Obispo County for the event “Sunset SAVOR the Central Coast”; exempt from the California Environmental Quality Act (CEQA). District 5.

**Ms. Stacie Jacob – Visit San Luis Obispo County, Applicant:** provides a powerpoint presentation.

**Chairperson Gibson:** opens the floor to public comment.

**Mr. Jeff Lee – City of Grover Beach Mayor Pro-Tem; Ms. Charlene Rosales – San Luis Obispo Chambers of Commerce; Mr. George Sullivan; and Ms. Susan Harvey – North County Watch:** speak.

**Cal Fire Chief Robert Lewin; Fire Marshall Laurie Donnelly; and Ms. Jamie Kirk, Applicant’s Representative:** speak.

The Board approves, with the conditions outlined in Attachment B, the temporary commercial outdoor entertainment license application for the event “Sunset SAVOR the Central Coast,” to be held at the Santa Margarita Ranch on September 27 and 28, 2014, with up to 4,000 attendees. Further, the Board makes the findings under Section 6.56.080 (b) on each of the following: a. That all information required by this chapter is in the application and all documents and other material required by this chapter have been filed with the tax collector; b. That the applicant, his employee, agent or any person connected or associated with the applicant as a partner, director, officer, associate or manager, has not knowingly made any false, misleading or fraudulent statement or material fact in the application for a license or in any report, record, or documents required to be filed with the tax collector pursuant to this chapter; c. That the issuance of the temporary commercial outdoor entertainment activity license with the conditions prescribed by the board complies with and meets all of the health, fire, and safety requirements and standards and laws of the state and ordinances of this county applicable thereto; d. That the temporary commercial outdoor entertainment activity will not unduly endanger the property of other persons located in the vicinity of the use; e. That the activity authorized by the issuance of the temporary commercial entertainment activity license with the conditions prescribed by the board will not be unduly detrimental to the health and safety of persons attending the activity or residing or working in the neighborhood and/or vicinity of the activity; and f. That the applicant has submitted adequate evidence that he will comply with the provisions set forth in Sections 6.56.130 through 6.56.300 of this chapter. Furthermore, County Counsel is instructed to prepare an order for signature by the Chairperson consistent with the findings.

**Motion by:** Debbie Arnold  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, August 19, 2014, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

**DATED:** August 20, 2014